UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,937	12/08/2005	Ryan Carr	PIP155CARR-US	1038

31518   7590   04/27/2010
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EXAMINER
LE, KHANH H

ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
04/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

general@neifeld.com
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/08/2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-10,12-35 and 48-78* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *4-10,12-35 and 48-78* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

 Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :
2006-09-14 ; 2006-11-24 ; 2006-12-12 ; 2009-08-02 ; 2009-10-28; 2009-12-31; 2010-02- 02; 2010-02-25

DETAILED ACTION

1.   This Office Action is responsive to the preliminary amendment filed 12/08/2005.
Claims 4-10, 12, 13-35, 48-53, 54-70, and 71-78 are pending. Claims 1-3, 36-47 are cancelled.

Election/Restrictions

2.   Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not
so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a
single invention to which the claims must be restricted.

Group I: 4-10, 12 and 71-78 drawn to a system and a method using system, the system
comprising: a database; a computer system having read and write access to said database;

said database storing a plurality of consumer records including a first consumer record
for a first consumer which stores: (1) CID data (consumer identification data) ; in association
with said first consumer CID, at least the following: (2) transaction data in a first transaction
class field indicating items transacted by said first consumer in a first transaction class during a
first prior time period; and (3) a first **assumed** non-transaction demographic **(herein "NTD")**
data field for storing assumed non-transaction demographic data.

Group II: 13-18 and 48-53: drawn to, for a particular consumer, using **actual** non-
assumed demographic data (instead of assumed data); determining correlations between
transaction data and said actual non-assumed demographic data, to define a probability function
of the transaction data, which function generates a probability that the particular consumer has a
specified value for the demographic data variable. This technical feature is not in Groups I or
III.

Group III: 19-24, 54-59, and 25-35, 60-70: drawn to **using a block database**; each block data record storing, for a geographic region, a number of people or consumers residing in that region, and a number of people or consumers having a specified demographic value; generating an estimated fraction of consumers, having said specified demographic value that both shop in a specified retail store and live in a specified block region; or further, to determine whether to target such block region or a consumer therein based on such estimate. This technical feature is not in Groups I or II.

The inventions listed in Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features.

Group II –III each includes the common technical features listed for Group I above i.e.:

A system comprising: a database; a computer system having read and write access to said database;

said database storing a plurality of consumer records including a first consumer record for a first consumer which stores: (1) CID data (consumer identification data) ; in association with said first consumer CID, at least the following: (2) transaction data in a first transaction class field indicating items transacted by said first consumer in a first transaction class during a first prior time period; and (3) a first assumed non-transaction demographic **(herein "NTD")** *data field for storing assumed non-transaction demographic data.*

However the common technical features expressed in Group I do not constitute a special technical feature because they are not a contribution over the prior art.

For example, Herz, US 2001/0014868, teaches the common technical features. That is Herz, US 20010014868 discloses:

a system comprising:

a database (see e.g. [0024]; (Figure 1 items 121-124 and associated text; see also e.g. Fig 1, [0024]: databases 121-124: consumer transactions and profiles databases; offer databases in many formats; [0005]*:"shoppers can be profiled in terms of both their demographic characteristics (age, income, family structure, ethnicity, and the like) and their past shopping behavior (products purchased, length of time since last purchase, allocation of browsing time, attention span, price* sensitivity, interest in detailed features, impulse buys, use of coupons, and the like).";

a computer system having read and write access to said database (Figure 1 items 111-114 and associated text);

said database storing a plurality of consumer records ([0287]: databases are known to use records and fields) including a first consumer record for a first consumer which stores: (1) CID data (consumer identification data) ; in association with said first consumer CID, at least the following ([0262]: transaction records collected in association with customer ID's thus CID stored in a database field is at least implicitly used associatively as claimed to effect the disclosures as cited below;):

(2) transaction data in a first transaction class field indicating items transacted by said first consumer in a first transaction class during a first prior time period ([0262]-[0265]; [0298]: transactions per product classes and time/frequency of purchase);
and (3) a first assumed non-transaction demographic data field for storing some data (Note that for "(3) a first assumed non-transaction demographic data field **for** storing assumed non-transaction demographic data." the prior art only needs to disclose a data field for storing some data since it is not claimed that the assumed non-transaction demographic data is actually stored. Further since database fields are known and Herz teaches decomposing customer profiles into different attributes to predict their future behavior, see e.g. [0149], [0150], e.g. preference for certain colors, taken as an assumed "NTD" data, it would be obvious the prior art teaches storing the assumed NTD in a database field in association with the customer CID).

Also, e.g. Blasko, US 20010049620 A1 discloses the above common technical features.

BLASKO discloses consumer profiles which include raw transaction data, or filtered data, or probabilistic information derived therefrom ([0075]: these latter read on "assumed NTD data" or derived NTD data". See also Fig 3 item 309, [0016]-[0019] for assumed NTD data). BLASKO also teaches a consumer profile database (see e.g. Fig 1, [0042]; consumer record including data fields: see Fig 3, "profile ID" reads on "CID", transaction class can include internet browsing activity , or retail transactions, or inquiries (Fig 3 item 307; [0074]); See Fig 3 item 309, for types of data: raw transaction data, "probabilistic profiles " data reads on "assumed NTD data"; transaction per time periods (see e.g. [0016]: programming watched per time period; or [0072]: time of transaction); a consumer database (s) (see e.g. Fig 9 items 925; [0156]); a computer system having read and write access to said database (s) (see e.g. Fig 9 items 915; [0156]).

3.   **Since Mr. R. Neifeld, (703)415-0012, for Applicants, stated in a telephone call on April 19, 2010 that an election will not be made by telephone, this restriction is proper.**

4.   Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5.   **The period for reply to this Restriction requirement is one (1) month. (See MPEP 809.02(a)).**

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Monday-Wednesday 9:00-6:00. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, LYNDA JASMIN can be reached on (571)272-6782. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh H. Le/

Primary Examiner, Art Unit 3688